

Minutes of the Planning Commission meeting held on Thursday, November 5, 2009, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jeff Evans, Chair
Jim Harland, Vice-Chair
Tim Taylor
Kurtis Aoki
Karen Daniels
Sheri Van Bibber
Tim Tingey, Community & Economic Development Director
Ray Christensen, City Planner
Citizens

Excused: Ray Black

Mr. Evans opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Sheri Van Bibber made a motion to approve the minutes from October 15, 2009. Seconded by Karen Daniels.

A voice vote was made. The minutes were approved unanimously, 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest noted regarding this agenda.

APPROVAL OF FINDINGS OF FACT

There were no Findings of Fact for approval at this meeting.

CAR2SEEK – 325 West 4800 South, Project 09-86

Saeid Hosseini was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for an auto sales business. The property is located within the M-G-C zone and is surrounded on all sides by the same zone. Mr. Christensen stated that there are two buildings on this parcel, and the applicant is proposing auto sales within the building to the north. He said that the building once housed a cabinet manufacturer and that there is an office area within the building. He stated that proposed parking will be located on the north and west side of the office area. Mr. Christensen stated that the cars for sale will be parked inside the building with outside parking for customers and employees. He said that the applicant may lease out the south warehouse building at a future date, which may require a Conditional Use Permit or site plan approval depending upon what type of business use is proposed. He stated that there is an unpaved gravel area on the east side of the building which would have to be paved and striped if used for parking in the future but is not required at this time for auto sales use. Mr. Christensen stated that the building official noted that areas of the building have been remodeled previously without building

permits or inspections. He said that staff is recommending approval of the Conditional Use Permit with specified conditions.

Saeid Hosseini, 2193 Lambourne Avenue, stated that he plans to operate a low profile business that will not be similar to a large auto dealership. He said that he chose this property because of the warehouse size and the ability to park vehicles inside. He stated that he does not intend to have any type of auto repair or painting on the site and that he does not plan on hiring sales staff. Mr. Hosseini confirmed that he has received a copy of the staff report. He stated that the landscape and sprinkling system needs to be maintained on the property. He said that he hopes to easily merge with the new zone proposed for this area.

Sheri Van Bibber asked Mr. Hosseini if he still occupied property near Summerhays Music. He responded that he was subleasing the property and then the ownership changed resulting in the end of his lease. He said that he wants something permanent and intends to purchase the current property. Ms. Van Bibber stated that she knew he was a good neighbor to Summerhays Music.

There were no public comments related to this agenda item.

Jim Harland made a motion to approve a Conditional Use Permit for Car2seek, Inc., located at 325 West 4800 South, subject to conditions:

1. The project shall meet all applicable building code standards and plans as required by the Building Official.
2. The project shall meet all current fire codes and no repair, auto body or painting will be allowed.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be approved by the Murray City Forester and installed as approved prior to occupancy.
4. The trash container shall be screened as required by Section 17.76.170.
5. All of the required parking stalls shall be paved and striped including a disabled stall to meet ordinance requirements prior to occupancy.
6. Use of the south warehouse building will need to be approved and may take site plan approval or Conditional Use Permit.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A Karen Daniels
A Sheri Van Bibber
A Jim Harland
A Jeff Evans

A Tim Taylor

A Kurtis Aoki

Motion passed, 6-0.

OTHER BUSINESS

Jeff Evans stated that he has some comment request forms related to other business. He invited Jeff Hale to come forward and make a comment.

Jeff Hale stated that some months ago he applied for a Conditional Use Permit which was recently revoked. He said that he is present to request leniency due to a number of variables that arose related to the purchase of the property. He stated that he had a lease/purchase agreement with Leslie Peterson. Mr. Peterson told Mr. Hale that he could store his cranes at the back of the property where they wouldn't block the other tenants. Mr. Hale said that it took several months for his purchase agreement to be approved through the bank, and at the time it was approved they wanted a \$40,000 deposit and the cranes used as collateral. He stated that the bank told him to go ahead and make the improvements to the property and that they would apply those towards the down payment. He stated that his realtor, Carl Oldham, helped him through this process and advised him to work with a different bank. He said that Mr. Peterson became frustrated with the situation and that the new bank would not apply the cost of improvements towards the down payment. Mr. Hale stated that because of the delays he didn't think it was wise to invest additional money into the property, and legally he shouldn't alter the property until after he is the owner. He said that he closed on the property on October 24th and the Conditional Use Permit had expired on October 21st. Mr. Hale asked for a 30 day extension to make the improvements to the property. He said that it will cost thousands of dollars for him to remove his cranes from the property and that he'd rather use that money to make the improvements. He stated that he didn't receive the notices that were mailed to the property as he wasn't the owner at the time. He received one notice that was hand delivered by Mark Boren. Mr. Hale stated that his agent, Carl Oldham, told staff that there was a plan for an office on the property, which was never the case. He stated that his intent is to use the property as a crane storage yard. He said that he will comply with the four conditions previously recommended by staff.

Sheri Van Bibber stated that fencing was a condition previously and that nothing has been changed. Mr. Hale stated that the fencing requirement will be easy to comply. Ms. Van Bibber stated that the neighbors had asked for the cranes to be stored with the booms down, which didn't happen. Mr. Hale responded that the cranes don't all retract and that this isn't a safety factor. He said that Mr. Oldham had told him that he'd talk to the concerned parties and take care of everything. Ms. Van Bibber stated that this was a condition on the Conditional Use Permit. Mr. Hale replied that it should have been handled previously, but he didn't receive the prior notices.

Jim Harland asked Tim Tingey the amount of time allowed to meet conditions. Mr. Tingey responded that the conditions were to be met within 4 months. Commission members asked if they are obligated to make a decision on this issue right now as it is not an agenda item. Mr. Tingey explained that in approximately March of 2009 the

Community & Economic Development staff received complaints that there were cranes at this location and that the business had not completed the Conditional Use Permit process. He said that in May an application was filed by a person representing Mr. Hale, who later attended the meeting and agreed to meet the required conditions. Mr. Tingey stated that staff allowed Mr. Hale to keep his cranes at the property but with the acknowledgement that the site improvements must be completed within 4 months. He said that Mr. Hale did receive notice of the meeting on the revocation but neither he nor a representative attended. Mr. Tingey stated that the Planning Commission approved the revocation, and that the conditions related to the revocation included a clause that cranes and equipment must be removed before reapplying for a Conditional Use Permit. He said that staff has had a number of meetings with Mr. Hale. Staff recommended that the cranes be removed due to complaints from residents and other people in the area. Mr. Tingey stated that currently the Commission has the option to give direction as far as additional review of the revocation or to stand behind the decision that the cranes be removed before the applicant can reapply for a Conditional Use Permit. He stated that staff has concerns about the applicant's lack of response to these issues previously.

Sheri Van Bibber asked Mr. Hale if he received the notice that was hand delivered prior to the revocation. Mr. Hale replied that it was left on his door. Kurtis Aoki asked if the issue is related to timeframes or the fact that the Conditional Use Permit has been revoked. He said that either way it will be costly, and to discuss time limitations at this point is not relevant. Mr. Hale said that the notice Mark Boren handed to him wasn't the notice of revocation. He said that Mr. Boren called him near the end of July because none of the conditions had been met. Mr. Hale stated that there were fourteen conditions and many of them didn't apply because he never intended to put an office on the property. He said that he and Carl Oldham met a number of times with staff and made it clear that the property was only to be used as a storage yard. He stated that his hands were tied because U.S. Bank didn't want him to invest anything into the property until he was the legal owner. Mr. Hale stated that his notice said 90 days to comply, not 4 months.

Karen Daniels clarified that the reason this issue started initially was because the cranes were being stored at this site without a permit. She stated that Mr. Hale cannot argue that he is just using the property for storage when the cranes shouldn't have been on the property to begin with. Mr. Hale stated that Mr. Peterson owned the property at that time and had stored some backhoes there. He said that there was an agreement between him and Mr. Peterson allowing him to store the cranes. Ms. Daniels asked why Mr. Hale didn't attend the first meeting regarding the Conditional Use Permit. He stated that Mr. Oldham had indicated that he would attend the meeting on his behalf. Ms. Daniels stated that as a business owner, Mr. Hale should have followed up with this issue to make sure it was being handled properly.

Mr. Evans stated that this information would have been helpful when the revocation process was occurring. He said that there are a number of options for people that are unable to attend meetings, such as sending a representative or even sending an e-mail that can be read into the record. He stated that the Commission already voted on this issue at the last meeting.

Meeting adjourned.

B. Tim Tingey
Director of Community & Economic Development